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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

COMCAST CABLE COMMUNICATIONS,)
 LLC,)

Plaintiff,)

v.)

OPENTV, INC., and NAGRAVISION SA,)

Defendants.)

Case No. 3:16-cv-6180-WHA

**STIPULATION RESOLVING ALL
 OUTSTANDING ISSUES IN DISPUTE IN
 PENDING CASE AND FOR DISMISSAL
 OF ALL CLAIMS AND
 COUNTERCLAIMS; [PROPOSED]
 ORDER**

Pursuant to Civil Local Rule 7-12, Plaintiff and Counterclaim-Defendant Comcast Cable Communications, LLC (“Comcast”) and Defendants and Counterclaim-Plaintiffs OpenTV, Inc. and NagraVision SA (collectively, “OpenTV”) (“the Parties”), by and through their undersigned counsel, respectfully submit: (i) a Stipulation to resolve all outstanding issues in dispute in the above-captioned

case (the “N.D. Cal. Litigation”) and for dismissal of all claims and counterclaims between the Parties in this action; and (ii) a Proposed Order.

STIPULATION

WHEREAS, the Parties wish to resolve all outstanding issues in dispute between the Parties in the N.D. Cal. Litigation and to dismiss without prejudice all claims and counterclaims between the Parties this action, resulting in the termination of all ongoing litigation between the Parties in the Northern District of California. Accordingly,

IT IS HEREBY STIPULATED, by and between Comcast and OpenTV, through their respective counsel of record, that OpenTV has provided Comcast with covenants not to sue on the following patents: U.S. Patent Nos. 6,895,595 (the “’595 Patent”); 6,985,586 (the “’586 Patent”); 6,345,389 (the “’389 Patent”); 7,028,327 (the “’327 Patent”); 7,243,139 (the “’139 Patent”); 6,530,082 (the “’082 Patent”); 7,900,229 (the “’229 Patent”); 6,725,461 (the “’461 Patent”); 5,907,322 (the “’322 Patent”); and 6,799,328 (the “’328 Patent”).

IT IS FURTHER STIPULATED that Comcast will terminate the Inter Partes Review (“IPR”) proceedings it has initiated on the ’389 Patent and ’327 Patent, and that Comcast will not initiate any future IPR proceedings involving the ’595 Patent, the ’586 Patent, the ’389 Patent, the ’327 Patent, the ’139 Patent, the ’229 Patent, the ’461 Patent, the ’322 Patent, the ’328 Patent, or the ’082 Patent provided neither OpenTV nor any future assignee of these patents threatens or brings any further action against Comcast on these patents.

IT IS FURTHER STIPULATED that OpenTV will not appeal this Court’s August 4, 2017 Order re Pilot Motions for Summary Judgment.

IT IS FURTHER STIPULATED that Comcast will not file any motion for attorneys’ fees in connection with the Parties’ pilot motions for summary judgment; nor will either party file any motion for fees, costs, or sanctions arising out of any other aspect of this N.D. Cal. Litigation.

IT IS FURTHER STIPULATED that, subject to the Court’s approval, the Second Amended Complaint of Comcast will be dismissed without prejudice.

IT IS FURTHER STIPULATED that, subject to the Court’s approval, the Counterclaims

brought by OpenTV in response to Comcast's Second Amended Complaint will be dismissed without prejudice.

IT IS FURTHER STIPULATED that, subject to the Court's approval, each party shall bear its own costs and fees for this N.D. Cal. Litigation.

IT IS SO STIPULATED.

Dated: August 15, 2017

/s/ Natalie Hanlon Leh

Natalie Hanlon Leh
Counsel for Plaintiff

Dated: August 15, 2017

/s/ Michael K. Plimack

Michael K. Plimack
Counsel for Defendants

ATTESTATION

I, Michael Plimack, hereby attest, pursuant to Civil L.R. 5-1, that I have received authorization to electronically sign and file this document from each of the persons identified in the signature block.

Dated: August 15, 2017

/s/ Michael K. Plimack

Michael K. Plimack
Counsel for Defendant

ORDER

IT IS SO ORDERED.

Dated: _____, 2017

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE